

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

THE GOLF CLUB AT PALMIRA,  
INC.,

Plaintiff,

v.

Case No.: 2:21-cv-671-JES-MRM

EMPIRE INDEMNITY  
INSURANCE COMPANY,

Defendant.

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**ORDER GOVERNING TELEPHONIC PROCEEDINGS**

The Court scheduled a telephonic hearing. (*See* Doc. 9). All hearing participants must comply with the following requirements:

1.     **All or None:** Unless the Court specifies differently in a prior or subsequent order, *all* parties, counsel, or other persons who intend to participate in the hearing must do so by telephone. In other words, no participant may separately appear in person for the hearing.

2.     **Start Time:** All participants must join the telephone conference 5-10 minutes before the hearing is scheduled to begin. Barring a delay in the Court's daily docket or a problem with the Court's teleconferencing system, the hearing will begin promptly at the time stated in the hearing notice or order scheduling the hearing.

3.     **Roll Call:** The Courtroom Deputy Clerk will conduct a roll call before the hearing begins. With the exception of court personnel, all participants joining

the call must identify themselves by name when called upon to do so by either the Courtroom Deputy Clerk or the Undersigned. The Court may sanction anyone who joins the conference call without affirmatively identifying himself or herself by name on the record.

4.     **Decorum:** All participants must comply with M.D. Fla. R. 5.03(e). Participants are also advised that even though the Court has granted leave to appear by telephone, the Undersigned will nevertheless conduct the hearing in open court and on the record just as though all participants were physically present in the courtroom. Moreover, because the Undersigned conducts the telephonic hearing in open court, the participants must be mindful that every sound or statement made after a participant joins the call will be audible to everyone present in the courtroom.

5.     **Landline Telephone Preferred:** All participants are strongly encouraged to join the telephone conference using a reliable landline telephone rather than a cellular telephone.

6.     **Speakerphone Prohibited:** No participant may use a speakerphone of any kind to participate in the telephonic hearing. If more than one attorney intends to appear on behalf of any party, each attorney must join the telephone conference by calling the conference line separately.

7.     **Joining the Call:** All participants joining the conference line should remain silent until court personnel ask the participants to identify themselves. The participants are advised that the Court has only one telephone conference account

available to use for hearings of this nature. The Undersigned frequently schedules back-to-back telephonic hearings with no break time between hearings. If another telephonic hearing appears to be in progress at the time any participant joins the telephone conference line, the participant must take care not to disrupt the ongoing proceeding. The Courtroom Deputy Clerk or the Undersigned will acknowledge the above-captioned case after the hearing in progress concludes and the Court is ready to begin the telephonic hearing for this case.

8. **Permission to Speak:** No participant may speak during the telephonic hearing unless (1) the Court invites the participant to speak or (2) the participant has requested and received permission to speak.

9. **Speaker Identity:** Unless the Court calls upon a participant by name and invites the participant to speak, any participant who speaks during the telephonic hearing must first identify himself or herself by name before requesting permission to speak. This requirement ensures that any subsequent transcription of the recorded proceeding will correctly identify each speaker.

10. **Interruption and Cross-Conversation Prohibited:** The Court strictly prohibits hearing participants from interrupting each other or from engaging in any back-and-forth discussion during the hearing (other than the examination of a witness) without first obtaining permission from the Court.

11. **Muting the Line:** All participants should mute the telephone on their end when they are not speaking.

12. **Sanctions for Placing the Call on Hold:** Once a participant joins the telephone conference line, the participant may not place the line on hold for any reason. The Court may impose sanctions against any participant who places the telephone conference line on hold after joining the telephonic hearing. The Court will impose sanctions against any participant who, by placing the telephone conference line on hold, causes hold music to disrupt the telephonic proceeding.

13. **Inadvertent Disconnection:** If the telephone conference line inadvertently disconnects for any reason, the affected participant(s) must promptly attempt to join the telephonic hearing again and advise the Court of the inadvertent disconnection upon re-joining the call. If the affected participant(s) is(are) unable to re-join the telephonic hearing for any reason, the participant(s) may call the Undersigned's chambers main line at (239) 461-2120 to obtain immediate assistance from chambers staff.

14. **Transcription:** The Court will electronically record the hearing and the recording will be available for subsequent transcription as permitted by federal judicial policy and procedure. Otherwise, the operation of recording or transmission devices, and the broadcasting or televising of telephonic proceedings, either while court is in session or during recesses between sessions, are strictly prohibited. *See* M.D. Fla. R. 5.01. The Court will sanction anyone who violates these restrictions.

15. **Continuing Order:** Unless amended or superseded by a subsequent written or oral court order, this Order will govern all telephonic proceedings that the Undersigned conducts in this case.

**DONE AND ORDERED** in Fort Myers, Florida on September 23, 2021.



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Mac R. McCoy  
United States Magistrate Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties